

REUTERS
19 October 1983.

SAN FRANCISCO
SPY

Electronics expert James Harper, accused of selling U.S. missile secrets to Poland for more than \$250,000, believes he is in danger from foreign agents, his lawyer said tonight.

Asked at a press conference if Harper had received threats, the lawyer, William Dougherty, replied: "No comment."

Dougherty's remarks came amid suggestions by U.S. government officials that Harper was seeking to obtain a reduced sentence in return for more information, possibly including documents on the Minuteman intercontinental missile and details of his alleged meetings with Polish agents.

Strong security precautions were taken when the 49-year-old Harper, looking tired and with a slight beard, made two brief appearances today before a U.S. magistrate, Owen Woodruff, in San Francisco.

Harper, who was refused bail, spoke only once, when he was asked whether he would give up the right to a preliminary trial hearing. He replied: "I believe that would be in my best interest."

Spectators and reporters attending the hearing had to pass through metal detectors and some were searched.

Harper, who was arrested last Saturday, was accused in a U.S. government affidavit of selling documents involving extremely sensitive research and development efforts. These were said to include efforts to enable the Minuteman to survive a first strike by the Soviet Union.

Dougherty told reporters Harper had talked to a government agent during the past few days. He said he believed Harper had been active as a spy for the past four years, and possibly for eight years.

Asked if his claim that Harper believed he was in danger from foreign agents was purely conjecture on his part, Dougherty replied: "No, he told me."

He said he had advised Harper to cooperate fully with the government. Asked what were the benefits of such cooperation, Dougherty replied: "I think that would be about the sentence."

Asked the reasons for Harper's alleged spying activities, he said, "I think it was money. I think it was adventure." He said he believed Harper had spent all the money.

Asked if Harper would be bringing any one else to justice, Dougherty replied: "Maybe."

Dougherty said he believed the government had known Harper's true identity for the past year. Until four days before his arrest, Harper was negotiating with the FBI, CIA and the Internal Security Division of the Justice Department, Dougherty said.

CONTINUED

2.

"I have a feeling the government didn't want him to burn and then the string ran out," Dougherty added.

Dougherty said in Los Angeles earlier today that he had gotten in touch with the CIA in an unsuccessful attempt to make a deal for Harper two years ago.

"He apparently wanted to come in from the cold," he told reporters before flying to San Francisco.

Dougherty said he had known Harper only as Jay when his client first approached him in 1981.

The government affidavit said a lawyer had sought to obtain immunity from prosecution for Harper in return for a promise to provide information.

Without making any such promise, a U.S. attorney followed up the case and discovered a detailed network of contacts between Harper and an official of the Polish intelligence service, the affidavit alleged.

The affidavit alleged Harper had obtained documents from an electronics research company, Systems Control Inc, where his wife Ruby Schuler, worked for 10 years. She died last June of cirrhosis.

Dougherty said the CIA knew Harper was going to Vienna in December 1981 to meet Polish agents but decided not to arrest him then.

Harper was finally arrested Saturday in his apartment in Mountain View, Calif. If found guilty, he could be sentenced to life imprisonment.

Dougherty noted the government affidavit revealed that Harper's telephone had been tapped. "Harper made telephone calls from his house so he was not exactly a James Bond," Dougherty said.